

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.388 OF 2006.

Dineshkumar Varma. ... Applicant.
Versus.
Faruq Gaffar Shaikh and another. ... Respondents.

Shri Deepak Jadhav for the Applicant.

Shri Rajesh More, A.P.P. for the Respondent-State.

Shri Rajesh Parad for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : 19th October, 2006.

P.C.:

1. Rule. The Advocate for the 1st Respondent waives service. The learned A.P.P. waives service for the 2nd Respondent.

2. The challenge in this Revision Application is to the conviction of the Applicant under section 138 of the Negotiable Instruments Act, 1881 and to the confirmation of the order of conviction in appeal.

3. The consent terms duly signed by the Applicant and the 1st Respondent and their respective Advocates taken on record and marked "X" for identification. The learned Advocate appearing for the 1st Respondent states that the 1st Respondent has no objection for compounding the offence. In view of the provisions of section 147 of the Negotiable Instruments Act, 1881 the offence can be compounded.

4. Considering the amicable settlement between the parties, the request made is accepted. Hence the following order is passed:

- i) Rule is made absolute in terms of prayer clause (b).
- ii) The Applicant is entitled to withdraw the amounts mentioned in clause 2 of the consent terms.

Judge.